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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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27496	7590	10/27/2004	EXAMINER	
PILLSBURY WINTHROP LLP 725 S. FIGUEROA STREET SUITE 2800 LOS ANGELES, CA 90017			ROBINSON BOYCE, AKIBA K	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/749,746

Applicant(s)

ROSENBERG ET AL.

Examiner

Akiba K Robinson-Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Due to communications filed 12/28/00, the following is a non-final first office action. Claims 1-19 are pending in this application and have been examined on the merits. Claims 1-19 are rejected as follows.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of :

(1) whether the invention is within the technological arts; and

(2) whether the invention produces a useful, concrete, and tangible result.

4. For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful art" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory

subject matter. For a process claim, the recited process must somehow apply, involve, use, or advance the technological arts.

In the present case, claim 1 is directed to a method for enabling adaptive product recommendations based on multiple-scale ratings. Claim 1 recites the steps of “acquiring post-use multiple-scale ratings from at least one user...”, “analyzing said post-use multiple-scale ratings”, and “enabling adaptive product recommendations based on the analysis resulted from said analyzing”. These steps represent mere ideas in the abstract since they recite no hardware or software embodied on a tangible medium to carry out the steps of this claim. Since these means don’t exist, claim 1 and all claims that depend from it (claim 2) is therefore found to be non-statutory.

In the present case, claim 3 is directed to a method for adjusting a multiple-scale product rating based on post-use multiple-scale ratings. Claim 3 recites the steps of “obtaining a multiple-scale product rating of a product...”, “acquiring post-use multiple-scale ratings of said product from a plurality of users...”, and “adjusting said multiple-scale product rating based on the post-use multiple-scale ratings”. These steps represent mere ideas in the abstract since they recite no hardware or software embodied on a tangible medium to carry out the steps of this claim. Since these means don’t exist, claim 3 and all claims that depend from it (claim 4) is therefore found to be non-statutory.

In the present case, claim 5 is directed to a method for generating a multiple-scale personalized filter. Claim 5 recites the steps of “obtaining a plurality of pre-use multiple-scale selection specifications from a user...”, “obtaining a list of products

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determined based on said pre-use multiple-scale selection...", and "acquiring post-use multiple-scale ratings of said products from said user...". These steps represent mere ideas in the abstract since they recite no hardware or software embodied on a tangible medium to carry out the steps of this claim. Since these means don't exist, claim and all claims that depend from it (claim 6) is therefore found to be non-statutory.

In the present case, claim 7 is directed to a method for identifying causes of users' dissatisfaction based on post-use multiple-scale ratings. Claim 7 recites the steps of "obtaining a plurality of pre-use multiple-scale selection specifications from at least one user...", "obtaining a list of products determined based on said pre-use product selection...", and "acquiring post-use multiple-scale ratings of said products...". These steps represent mere ideas in the abstract since they recite no hardware or software embodied on a tangible medium to carry out the steps of this claim. Since these means don't exist, claim 7 and all claims that depend from it (claim 8) is therefore found to be non-statutory.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7, 9-15, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Klingman (US 5,950,172).

As per claims 1, 9, Klingman discloses:

acquiring post-use multiple-scale ratings from at least one user, said post-use multiple-scale ratings corresponding to at least one product, said at least one product being rated by multiple-scale product ratings, each of said post-use multiple-scale ratings and each of said multiple-scale product ratings comprising a plurality of rating scores with respect to a plurality of rating scales, (Col. 9, lines 9-12, buyer obtaining rating information for product in question after purchase of product, w/ col. 9, lines 9-13, shows that the product is rated with a score within a range of scores);

analyzing said post-use multiple-scale ratings, (col. 12, lines 51-55, mathematical analyses on scoring data); and

enabling adaptive product recommendations based on the analysis resulted from said analyzing, (Col. 12, lines 56-59, product may be reviewed and reviewers recommendations given, w/ Col. 4, lines 1-5, shows an example of top ten list of books (where the book is the product) have been used).

As per claims 2, 10, Klingman discloses:

wherein said enabling includes *at least one* of:

updating said multiple-scale product ratings using a new multiple-scale rating generated based on the analysis resulted from said analyzing, (Col. 24, lines 31-38, determining a new score rating based on providers rating);

As per claims 3, 11, Klingman discloses:

obtaining a multiple-scale product rating of a product, said multiple-scale product rating comprising a plurality of rating scores with respect to said rating scales, (col. 9,

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lines 7-9, rate product after the purchase of the product by assigning a score within a range of scores);

acquiring post-use multiple-scale ratings of said product from a plurality of users of said product, each of said post-use multiple-scale ratings comprising a plurality of rating scores with respect to a plurality of rating scales, (Col. 9, lines 9-12, buyer obtaining rating information for product in question after purchase of product, w/ col. 9, lines 9-13, shows that the product is rated with a score within a range of scores); and

adjusting said multiple-scale product rating based on the post-use multiple-scale ratings, (Col. 21, lines 55-57, scoring is updated to reflect buyer's input)

As per claim 4, 12, Klingman discloses:

generating a new multiple-scale rating based on said post-use multiple-scale ratings, (Col. 24, lines 31-38, determining a new score rating based on providers rating);

revising said multiple-scale product rating of said product based on said new multiple-scale rating, (col. 21, line 55-57, scoring updated to reflect buyer's input).

As per claims 5, 7, 13, 15, Klingman discloses:

obtaining a plurality of pre-use multiple-scale selection specifications from a user/from at least one user, each of said pre-use multi-scale selection specifications describing a desired product and comprising a plurality of rating scores/comprising a plurality of rating scores with respect to a plurality of rating scales, (Col. 9, lines 7-9, buyer obtaining rating information for product prior to purchase, w/ col. 16, lines 27-31, displaying description of product);

obtaining a list of products determined based on said pre-use multiple-scale

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selection specifications/product selection specifications and at least one/and multiple-scale product rating, each of said at least one multiple-scale product ratings corresponding to one of said products and comprising a plurality of corresponding rating scores with respect to said rating scales, (col. 9, lines 9-13, after purchase of product, buyer makes a rating by assigning a score within a range of scores, in this case, the list of products is inherent since it is shown that the buyer's display window shows product information in col. 9, lines 20-22, and in fig. 7, product files are shown, which suggests a collection of products in which information can be selected);

acquiring post-use multiple-scale ratings of said products from said user, each of said post-use multiple-scale ratings corresponding to one of said products and comprising a plurality of corresponding rating scores with respect to said rating scales, (col. 9, lines 9-16, buyer's system is provided with rating information displayed to the buyer for ratings after the purchase of the product).

As per claim 6, 14, Klingman discloses:

analyzing said pre-use multiple-scale selection specifications and said post-use multiple-scale product ratings to generate a pre/post-use discrepancy, (col. 12, lines 51-55, mathematical analyses on scoring data to provide a rating); and

generating said multiple-scale personalized filter for said user based on said pre/post-use discrepancy, (Col. 24, lines 31-38, determining a new score rating based on providers rating).

As per claim 17, Klingman discloses:

an acquisition unit for acquiring pre-use selection specifications from users,

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each of said pre-use selection specifications specifying a desired product and comprising a plurality of scores corresponding to a plurality of rating scales, (Col. 9, lines 9-12, buyer obtaining rating information for product in question after purchase of product, w/ col. 9, lines 9-13, shows that the product is rated with a score within a range of scores, w/Col. 26,lines 15-19, shows a local subsystem which represents the unit);

a product rating storage mechanism for storing multiple-scale product ratings on a plurality of products, each of said multiple-scale product ratings corresponding to one of said products and comprising a plurality of rating scores corresponding to said product rating scales, (Col. 23,lines 64-67, save ratio information for storage);

a product recommendation unit for making product recommendations based on said pre-use selection specifications and said multiple-scale product ratings, (Col. 12,lines 56-59, specialty sites); and

an acquisition unit for acquiring post-use multiple-scale ratings from said users, each of said post-use multiple-scale product ratings comprising a plurality of rating scores corresponding to said product rating scales, (Col. 9, lines 9-12, buyer obtaining rating information for product in question after purchase of product, w/ col. 9, lines 9-13, shows that the product is rated with a score within a range of scores, w/Col. 26,lines 15-19, shows a local subsystem which represents the unit);

a calibration unit for enabling adaptive product recommendations based on said post-use multiple-scale ratings.

As per claim 18, Klingman discloses:

a calibration unit for enabling adaptive product recommendations based on

said post-use multiple-scale ratings, (col. 12, lines 56-59, specialty sites).
in said multiple-scale product ratings.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8, 16, 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman (US 5,950,172).

As per claim 8, Klingman discloses:

acquiring post-use satisfaction ratings of said products from said at least one user of said products, (col. 9, lines 9-16, buyer's system is provided with rating information displayed to the buyer for ratings after the purchase of the product);

analyzing said pre-use multiple-scale selection specifications and said post-use multiple-scale ratings to generate a pre/post-use discrepancy, (col. 12, lines 51-55, mathematical analyses on scoring data to provide a rating);

Klingman doesn't specifically disclose correlating the post-use satisfaction ratings with the pre/post-use discrepancy to identify the rating scales whose pre/post -use discrepancies substantially correlate with low values of said post-use satisfaction ratings, however, this feature is obvious with Klingman since this reference discloses that the buyer determines that the product is inferior and also that the try and buy

servers are co-located in Col. 9, lines 40-67. Since these servers are co-located, and since the scoring information for the try and buy servers are in shared memory locations, one of ordinary skill in the art would correlate this scoring information to reflect the fact that they are in shared memory.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to correlate the post-use satisfaction ratings with the pre/post-use discrepancy to identify the rating scales whose pre/post –use discrepancies substantially correlate with low values of said post-use satisfaction ratings with the motivation of determining an amount of users that have a discrepancy with a product.

As per claim 19, Klingman discloses:

wherein said calibration unit includes at a personalized filter generator for generating a personalized filter for one of said users based on said pre-use selection specifications, acquired from said one of said users, and said post-use multiple-scale product ratings, acquired from said one of said users, (col. 12, lines 46-50, special interest groups evaluating product);

an adaptive rating generator for updating multiple-scale product ratings of said products based on said post-use multiple-scale ratings on said products, acquired from said users, (Col. 24, lines 31-38, determining a new score rating based on providers rating); and

Klingman doesn't specifically disclose a correlator for correlating said rating scales based on said pre-use selection specifications and post-use multiple-scale ratings to adjust the importance of said rating scales however, this feature is obvious

with Klingman since this reference discloses that the buyer determines that the product is inferior and also that the try and buy servers are co-located in Col. 9, lines 40-67.

Since these servers are co-located, and since the scoring information for the try and buy servers are in shared memory locations, one of ordinary skill in the art would correlate this scoring information to reflect the fact that they are in shared memory.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize a correlator for correlating said rating scales based on said pre-use selection specifications and post-use multiple-scale ratings to adjust the importance of said rating scales with the motivation of determining an amount of users that have a discrepancy with a product.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 703-305-1340. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



A. R. B.

October 25, 2004



SUSANNA M. DIAZ
PRIMARY EXAMINER

AU. 3623